

IN THE UNITED STATES DISTRICT COURT
IN THE DISTRICT OF KANSAS

MATTHEW ESCALANTE,
S.J.E, a minor child & S.G.E, a minor child
Plaintiffs

Case No: 2-23-CV02536

vs.

CHARLES DROEGE
in his official capacity as Chief Judge
of the Johnson County 10th District Court
Defendant

KATHY ARMSTRONG
Kansas Department for Children and Families
Interested Party

PLAINTIFF'S OBJECTION TO DOC 27 & DOC 28

COMES NOW, the Plaintiff father, as his own counsel, hereby respectfully submits this plaintiff's objection to Document 27, MEMORANDUM AND ORDER, and Doc 28 JUDGEMENT pursuant to Federal Rules of Civil Procedure Rule 12. The Plaintiff objects to dismissal of this case on the following factual grounds:

1. This Court has held that Plaintiff Father Matthew Escalante proceeds pro se. Doc #50 in US Kansas Case 2:23-CV02491 Escalante vs Escalante/Wilson/Lloyd stated that the Father is not able to represent the two minor plaintiff's in this proceeding under 28 U.S.C 1654. However, a recent ruling in this High Court does factually counter the statement in Doc #50.
 - a. US Case in the District of Kansas Case No. 18-2042-DDC-GEB in 2018 held in Memorandum and Order of that Case that:
The Federal Rules of Civil Procedure allow parties to sue by a "next friend" or guardian ad litem. More specifically, Rule 17(c) provides:
(c) Minor or Incompetent Person.
(1) With a Representative. The following representatives may sue or defend on behalf of a minor or an incompetent person:
(A) a general guardian;(B) a committee; (C) a conservator; or(D) a fiduciary.
(2) Without a Representative. A minor or an incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action
 - b. Factual speaking, attached in Exhibit 1, case record of plaintiff minors, there is NO GUARDIAN AD LITEM for the minors in their custody case of 18CV03813. There is no Appearance ever entered by a Guardian ad Litem in 18CV03813
 1. 202410thdistcivrules.pdf (10th District Johnson County Court Rules) Civil Rule No.21 states 2. Participation of Guardian Ad Litem. The guardian ad litem shall enter his or her appearance (Exhibit 2)
 2. It is unable to be denied that the purported Guardian ad Litem Lewanna Bell-Lloyd has NEVER entered her appearance in the minors children custody case. But they are still seen in the case, this is a problem. If it is argued she was legally in the case of 18CV03813, she shows Leaving the proceeding on March 08, 2022. there is a docket entry in Exhibit 1 on 3/08/2022 Removed: Plaintiff Attorney BELL-LLOYD, LEWANNA
 3. The minors don't have a legal Guardian ad Litem, and the 2018 ruling

in 18-2042-DDC-GEB makes the Law of this court then deem Matthew Escalante, Plaintiff, is qualified "Next Friend" of the Plaintiff Minor Children S.J.E, and S.G.E.

- a. Mr. Escalante had full authorization to bring two biological children into this proceeding based on the facts showing in prior district court rulings under Rule 17:

(2) Without a Representative. A minor or an incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action

- b. The Plaintiff father is boldly re-alleging and re-affirming that the Complaint and Amended Complaint of this Proceeding, as well as New Facts in the Johnson County District Court since the entry of Amended Complaint on December 10th 2023, further support the Claims of the Plaintiff, in that A CHIEF JUDGE OF THE JOHNSON COUNTY DISTRICT COURT IS USING A FORM of FRAUD MISREPRESENTATION OF THE DOCKETS AND IT IS NON-DIRECTLY HARMING TWO MINOR CHILDREN OF THIS PROCEEDING:

PER KANSAS SUPREME COURT RULES the Defendant Charles Droege is directly In-Charge of the Handling of the below cases in the Johnson County District Court right now:

18-CV03813 Escalante vs. Escalante (Presiding Judge ?) Out of County Judge indication is not being Appointed. Directly Causing Deprivations of Constitution Amendment Right of Parent and Children and Right to Due Process 14.S1.5.8.1

The Children have immunity under the above Amendment clause from the state court of Johnson Counties abridgement of that right that is now occurring from Defendant Droege having Suspended the former presiding judge of that case, Paul Burmaster.

22-CV03391 Escalante vs. Escalante (Presiding Judge ?) Out of County Judge indication is not being Appointed and as result of Defendant Droege's removal/suspension of District Judge Defendant Burmaster has now caused Document 28 in that case, a Valid Motion to Modify, to now be violating Kansas Supreme Court Rule 166 by over 79 days. The legally sufficient Doc 28 motion to modify PFS, is written on the Kansas Judicial Branches template and KSA 60-31a06 holds the Mr. Escalante can file doc 28 at any time, and he did. And the actions in the district court case 22-CV03391 are beyond negligent. They're breaking Supreme Court rules and infringing Kansas Civil Statutes. The motion to modify shows that Civil Rules were not followed in the creating of PFS in case. (Stump v Sparkman)Droege in Clear absence

23-CV06700 Escalante vs Burmaster - Plaintiff's Writ of Mandamus the entire case is presided over by Droege, and every motion in the case is unheard/unruled the whole case in violation of Kansas Supreme Court Rule 166. The case is merit to terminate Extended Order 22CV03391 that is w/o VAWA cert.(Stump v Sparkman) Droege cannot preside over this Mandamus, nor withhold plaintiff from litigating it against Canon 2 Rule 2.11 Disqualification. And nowhere in Droge's job capacity states he can do all the above.

c. A visible Prejudice affecting Civil Rights is showing by this High Court in affirmative next to Facts, that has formed against the

Plaintiff and the authorized to be here, 2 minor children
Plaintiff's.

d. Even as judges and courts serve as important safeguards and guardians against state and federal enforcement of unjust, harmful, and unconstitutional laws and discriminatory policies, they too may be fallible, weak in judgement and character, personally and professionally indifferent to systemic injustice, or corruptible.⁽¹⁾ Judges may also refuse to acknowledge glaring injustices against vulnerable groups, denying appropriate relief related to past, ongoing, or future harms.³ Judges may inflict further harm through this purposeful inaction or silence.

e. The Plaintiff father left the Johnson County District Court and came the Kansas Federal Judiciary for relief that is promised by Congress under the Civil Rights Act of 1964 and gateway of Section 1983.

f. Magistrate Teresa James deemed the Law of the Kansas federal judiciary is upon the showing of 'Clear Absence of All Jurisdiction' must be held to bring civil action in this court. Honorable James stated this as true in Judgement/Order of Burmaster I. Escalante vs Burmaster 2:23-CV02130. Honorable James did not say Civil Action was Impossible nor Unattainable. Honorable James gave the Grounds upon which it may enter this Court in civil action. (Plaintiff urges Review and Re-Reading of prior page 2 of this Document) Those actions are far outside of the Realm of what Defendant job capacity says he can do. This High Court must acknowledge that or not acknowledge that. Plaintiff feels it's appropriate to ask the Reconsideration of this Dismissal to be appropriate. The High Court should not Prejudice in a Section 1983 Civil Rights Lawsuits. That type of action would not be in line with the Federal Judicial Conduct and Disability Act.

1. Plaintiff explicitly re-iterating that the previous page 2, shows 100% truthful, case records(as exhibits 1, 2, 3, and 4) that is Defendant Johnson County Chief Judge unlawfully and unconstitutionally withholding the Plaintiff from litigating in his own cases as Registered Pro Se filer. And that is directly causing constitutional deprivations of the minor children and also all the cases referenced as now violating Kansas Supreme Court Rule 166, is a side effect of Defendant Charles Droege and Defendant Burmaster operating in 'clear absence of all jurisdiction' in leading an unlawful course of action to avoid Discovery of Paul Burmaster's illegal actions against the Federal Re-Authorization of the Violence Against Women's Act 18USC2265. Judge Burmaster has illegally extended an Order of Protection that does not have 18USC2265 Certification that is required by the us code 2265. This is all fact and problematic.

Support for all the above is in case record evidence in the Burmaster I, II and III lawsuits.

2. The Plaintiff has entered the case of Burmaster on Friday and entered Doc 33, relief from Judgement pursuant Rule 60b(1)(4) and shows the Grounds and the Caselaw of State vs Lynn, that show the Document 262 in the center of the Burmaster I lawsuit is 100 percent counter to Prior Kansas Rulings in caselaw. And a Court that Serves in the Interest of Justice and Constitutional Fairness should see that it cannot leave Doc 262 in place for eternity as it has no expiration date on the county document. And Kansas Supreme Court Summary of Authorities attached as Exhibit 5, page 13 and 14 shows that Doc 262 must an Expiration date.

If the Federal Judiciary leaves that Doc 262 in place to lie over the Plaintiffs life and minor children, then America will see that it has lost its Constitution in the middle of the Country. As a large portion of Kansas is viewing this proceeding occurring. That partialism and loss of Rights will cause much discourse for those who are helpless, elderly, and disabled in the country if they become cognizant that the Federal Judiciary is not upholding Citizens and Minor Children's Constitutional Rights that are purportedly 'guaranteed' by our forefathers.

Please don't do that to them and please don't do that to us.

No one deserves to have such feelings be placed on them by a Kansas High Court that is Partial.

3. The Equal Employment Opportunity Commission is 100% aware that Document 262, from JoCo 18CV03813 and center of US Case Burmaster I, 2:23-CV02130 is with legal issues. And they have taken the Document 262 back into full review. As they see that it's unable to be enforced in the JoCo District Court for months now, as plaintiff retrieves from the court the needed case records from JoCo. The staff is offering the Assistance. And Plaintiff is very grateful. And Defendant Droege showing the Affirmations that he also knows that Doc 262 is without proper jurisdiction because he notates in the Exhibit of 18CV03813, that plaintiff is emailing valid needed Motions to Restore Justice and Equal Rights in Escalante cases. And he is the Leader of the Court, and is entirely misrepresenting the Johnson Court doings of Escalante cases. The EEOC knows that Doc 262 is without juris and that it held no authority to kick out and terminate Plaintiff's job application and interview one year ago. They took the Order and Matter under full review 120 hours ago at 0648 the EEOC indicated the Request was timely to bring to Federal EEOC.
4. Plaintiff requesting the Fairness that was Promised by the Civil Rights Act of 1964 for the rest of the Plaintiff's Proceedings.
5. The High Court may not have to acknowledge the above but it should in the eyes of Justice, but this Case cannot be dismissed as Unrepresented Minors are in this Proceeding and with permission to be here. Rule 17c and Prior Ruling in this High Court says the Court must give them Representation first, and

before this Proceeding is Dismissed. Please review that as the DCF was requested to enter. Please take favorable action in the interest of Justice. Please.

WHEREFORE, Plaintiff is not attorney, and two minor children have entered this proceeding by qualified 'next friend' biological father of the children. I love them and want the best for them. I believe the law of this Court has been set as the Unrepresented Minors, S.J.E, and S.G.E, must have an Attorney appointed by the Federal Judiciary under Rule 17(c) and with the current conditions and case law set. If there is loss of Constitutional Rights in a Kansas High Court, then what is every other state citizen on the outside of the Robert J Dole Courthouse. Section 1983 was created for state citizens to have a gateway for fair chance of relief from state actions and officers, of constitutional deprivations. The defendant has led a course of action that removes his immunity per *Stump vs Sparkman*. Please review. Thank you,
Respectfully submitted.


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Fax No faxt

CERTIFICATE OF SERVICE

I hereby certify that the Objection to Dismissal Doc 27 and Doc 28 was filed electronically through the CM/ECF system on 3/3/24 in which a copy was sent to all parties in proceedings.

And also sent to the following Civil Rights Agencies and Kansas DCF

Kansas Department of Children and Families
555 S Kansas Topeka KS 66603

American Civil Liberties Union
info@aclukansas.org

Kansas Attorney General's Office
rob主p@ks.ag.gov

Department of Justice - Kansas Office
USAKS-webmaster@usdoj.gov